

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

Olugbenga Johnson Olufemi,

Plaintiff,

Case No. 23-cv-10386

v.

Judith E. Levy

United States District Judge

City of Detroit, *et al.*,

Mag. Judge David R. Grand

Defendants.

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**ORDER GRANTING PLAINTIFF’S MOTION FOR LEAVE TO  
FILE AN AMENDED COMPLAINT [10] AND DENYING  
DEFENDANT’S MOTION TO DISMISS [8] AS MOOT**

On May 18, 2023, Plaintiff Olugbenga Johnson Olufemi filed a motion for leave to file an amended complaint pursuant to Federal Rule of Civil Procedure 15. (ECF No. 10.) Because Plaintiff requests leave to file an amended complaint, the Court views this as a motion under Federal Rule of Civil Procedure 15(a)(2). Rule 15(a)(2) provides that “[t]he court should freely give leave [to amend] when justice so requires.” Fed. R. Civ. P. 15(a)(2).

The Court finds that it is in the interests of justice to allow Plaintiff to file an amended complaint. Because this case is still at an early stage,

there will be no undue prejudice to the opposing party. *See Com. Money Ctr., Inc. v. Ill. Union Ins. Co.*, 508 F.3d 327, 346 (6th Cir. 2007) (listing factors that courts may consider for a Rule 15(a)(2) motion). In fact, Plaintiff still had time to file an amended complaint without the Court’s permission under Federal Rule of Civil Procedure 15(a)(1).<sup>1</sup> Accordingly, Plaintiff’s motion for leave to file an amended complaint (ECF No. 10) is granted, and Defendant City of Detroit’s motion to dismiss (ECF No. 8) is denied as moot.

Finally, the Court notes that the federal *pro se* legal assistance clinic is a resource available to self-represented litigants in the Eastern District of Michigan. Appointments can be made by calling (313) 234-2690 or emailing [proseclinic@udmercy.edu](mailto:proseclinic@udmercy.edu). More information is available on the Eastern District of Michigan’s website titled “Representing Yourself” (available at

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<sup>1</sup> Rule 15(a)(1) provides that “[a] party may amend its pleading once as a matter of course within . . . 21 days after service of a motion under Rule 12(b) . . . .” Fed. R. Civ. P. 15(a)(1)(B). Defendant City of Detroit filed its motion to dismiss in lieu of an answer under Federal Rule of Civil Procedure 12(b)(6) on May 10, 2023 (ECF No. 8), so Plaintiff could have filed an amended complaint without leave of the Court until May 31, 2023.

<http://www.mied.uscourts.gov/index.cfm?pageFunction=proSe> under the  
“Court Related Assistance” tab).

IT IS SO ORDERED.

Dated: May 23, 2023  
Ann Arbor, Michigan

s/Judith E. Levy  
JUDITH E. LEVY  
United States District Judge

**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court’s ECF System to their respective email or first-class U.S. mail addresses disclosed on the Notice of Electronic Filing on May 23, 2023.

s/William Barkholz  
WILLIAM BARKHOLZ  
Case Manager